

Application No.: 10/673,196Docket No.: 713-937REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 13-32 are pending in the application. Original claims 1-12 have been cancelled without prejudice or disclaimer. New claims 13-32 have been added to provide Applicants with the scope of protection to which they are believed entitled. New claims 13-32 find solid support in the original disclosure, especially the drawings. The specification and Abstract have been revised to conform with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The art rejections manifested in the operating system are moot as the rejected claims have been canceled. Newly added claims 13-32 have been drafted to define over the applied references.

In particular, new independent claim 13 is directed to a rivet, comprising: a nut having a through opening; a stem passable through the opening of said nut which is slidable along said stem **without being rotatable about said stem**, said stem having a notched portion; a head at an end of said stem; said nut further comprising, on an inner face of the opening, at least one tooth engageable with said notched portion; and a locking element joined to said stem adjacent said head, said locking element being elastically moveable between a folded position and an expanded position, wherein said expanded element has a greater radial extent in the expanded position than in the folded position; wherein said opening extends circumferentially for a full 360 degrees in at least a portion of said nut. New claim 13 is supported at least by element 5 in FIG. 2 of the instant application.

The primarily applied reference of *Smith* (U.S. Patent No. 4,943,253) does not disclose, teach or suggest the claimed invention. Specifically, "openings" 82 (FIG. 4) of *Smith*, through

Application No.: 10/673,196Docket No.: 713-937

which "stems" 44, 45 are passable, do not extend circumferentially for a full 360 degrees due to the slots between elements 78 and 80. Further, the teaching reference of *Freeman* (U.S. Patent No. 4,245,545) fails to teach or suggest that the nut is not rotatable about the stem, due to the circular cross section of opening 29 (FIG. 5). The other teaching reference of *Schimmels* (U.S. Patent No. 4,080,522) is believed irrelevant to the claimed invention. Accordingly, Applicants respectfully submit that new independent claim 13 is patentable over the applied art of record.

Claims 14-26 depend from claim 13, and are considered patentable at least for the reason advanced with respect to claim 13. Claims 14-26 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claims 14-20 and 26, none of the references appear to fairly disclose, teach or suggest the claimed opening which extends for a full 360 degrees in a portion of the nut and less than 360 degrees in another portion of the nut, as recited in claim 14. The prior art nut openings either extend for a full 360 degrees (*Freeman*) or less than 360 degrees (*Smith*) throughout the respective nuts.

As to claims 21-22, none of the references appear to fairly disclose, teach or suggest the claimed return foot extending from the stem, at a second location further from said head than the first location where the locking element is joined to the stem, towards said head, as recited in claim 21. Element 62 in the teaching reference of *Schimmels*, which the Examiner regarded as the claimed return foot, extends from "stem" 38 away from "head" 46.

As to claims 23-25, none of the references appear to fairly disclose, teach or suggest the claimed blocking surface formed by a reduced cross section portion defining a flange facing the head. Element 21 in the teaching reference of *Freeman*, which the Examiner regarded as the claimed blocking surface, is not formed in a reduced cross section portion of stem 13. In contrast,

Application No.: 10/673,196Docket No.: 713-937

element 21 even has a larger cross section than stem 13. *See FIG. 3 of Freeman.*

New independent claim 27 is directed to a rivet, comprising: a nut having a through opening; a solid stem passable through the opening of said nut which is slidable along said stem without being rotatable about said stem, said stem having a notched portion; a head at an end of said stem; said nut further comprising, on an inner face of the opening, at least one tooth engageable with said notched portion; and a locking element joined to said stem adjacent said head, said locking element being elastically moveable between a folded position and an expanded position, wherein said expanded element has a greater radial extent in the expanded position than in the folded position; wherein said opening, said head and said solid stem are coaxially arranged. New claim 27 is supported at least by FIG. 2 of the instant application.

The primarily applied reference of *Smith* does not disclose, teach or suggest the claimed invention. Specifically, each of solid "stems" 44, 45 and the respective "opening" 82 (FIG. 4) are not arranged coaxially with the head 58 which is arranged coaxially with central hole 84 through which a fastener is to be passed. If "stems" 44, 45 are considered to constitute a hollow stem coaxial with head 58, the claim limitation of a solid stem cannot be met. The teaching reference of *Freeman* fails to teach or suggest that the nut is not rotatable about the stem, due to the circular cross section of opening 29 (FIG. 5). The other teaching reference of *Schimmels* is believed irrelevant to the claimed invention. Accordingly, Applicants respectfully submit that new independent claim 27 is patentable over the applied art of record.

Claims 28-32 depend from claim 27, and are considered patentable at least for the reason advanced with respect to claim 27. Claims 28-32 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

Application No.: 10/673,196Docket No.: 713-937

For example, as to claims 28-32 none of the references appear to fairly disclose, teach or suggest the claimed cross section comprising **two convexly curved sections connected by two flat sections**, as recited in claim 28.

Likewise, the applied references do not appear to fairly disclose, teach or suggest the claimed **two slots** each in one of the curved sections of said opening to enable said opening to be radially expandable, as recited in claim 29, and the claimed at least one tooth being provided in each of the curved sections of said opening **on both sides of the respective slot**, as recited in claim 30, the claimed **frusto-conical outer surface** of the nut, as recited in claim 31.

As to claim 32, the applied art of record does not fairly disclose, teach or suggest that the rivet is **entirely made of a single material**. In *Smith*, there is no disclosure of whether cap 76 (FIG. 4) can be made of the same material as stem 39 and head 58. In *Freeman*, nut 33 is apparently made of a material different from the stem and head. Note, the different crosshatching patterns of the nut, stem and head in all sectional views of *Freeman*.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

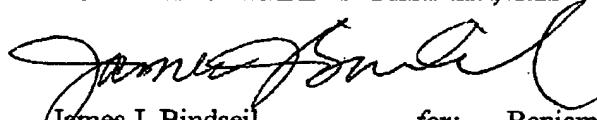
The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Application No.: 10/673,196Docket No.: 713-937

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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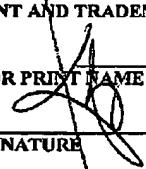


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